

CHAIRMAN JOHN McCAIN'S OPENING STATEMENT
HEARING ON FEDERAL RECOGNITION OF INDIAN TRIBES
MAY 11, 2005

In 1978, after years of ad hoc decisions, the Department of Interior promulgated regulations intended to ensure a fair, timely and rigorous process for the administrative recognition of Indian tribes. Since that time, this Committee has held numerous oversight hearings on that process. What those hearings have shown us, is that from the beginning this process – although well intentioned – has been criticized as too slow, too costly, and too opaque. Congressional recognition, on the other hand, has been criticized for being too summary and too unfair.

Events in recent years have also raised the specter of improper conduct by Federal officials, including well-reported accounts of paperwork being signed through car windows by departing officials, and officials resigning Federal employ to immediately work with tribes they recently recognized. The role that gaming and its non-tribal backers have played in the recognition process has increased perceptions that it is unfair if not corrupt.

The solemnity of Federal recognition, which establishes a government-to-government relationship between the United States and an Indian tribe, demands not only a fair and transparent process, but a process that is above reproach. And while the relationship established is Federal, the impacts are felt locally as well, as has been reported to this Committee by states attorneys general and local communities.

Congress retains the ultimate authority and responsibility to recognize and deal with Indian tribes, including oversight of the Federal agencies also charged with those responsibilities. Therefore, it is Congress' responsibility to insure that administrative agency action is conducted in a transparent fashion and in keeping with good governance.

The Committee will hear from a variety of witnesses today, including colleagues from the Senate and House. I anticipate that, informed by this and past hearings, this Committee will begin looking at ways to fix the process.

Vice Chairman Dorgan . . .